

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

JOE LOUIS ROBERTS, #1410085	§	
VS.	§	CIVIL ACTION NO. 6:17cv420
DIRECTOR, TDCJ-CID	§	

ORDER OF DISMISSAL

Petitioner Joe Louis Roberts, proceeding *pro se*, an inmate confined at the Huntsville Unit within the Texas Department of Criminal Justice (TDCJ), filed this petition for a writ of habeas corpus pursuant to § 2254 complaining of the legality of his criminal conviction. The case was referred to the United States Magistrate Judge, the Honorable John D. Love, for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On November 19, 2018, Judge Love issued a Report, (Dkt. #20), recommending that Petitioner's petition for a writ of habeas corpus be dismissed, with prejudice. A copy of this Report was sent to Plaintiff's address—an address Plaintiff updated through a notice of a change of address that he filed before the Report was issued. However, to date, no objections to the Report have been filed. The Court notes that Petitioner has not communicated with the Court since November 1, 2018, when he filed his notice of change of address.

Because Petitioner has failed to file objections to Judge Love's Report, he is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

**ORDERED** that the Report of the United States Magistrate Judge, (Dkt. #20), is **ADOPTED** as the opinion of the Court. Further, it is

**ORDERED** that Petitioner's petition for a writ of habeas corpus is **DISMISSED** with prejudice. Petitioner is **DENIED** a certificate of appealability *sua sponte*. Finally, it is

**ORDERED** that any motions which may be pending in this civil action are hereby **DENIED**.

**So Ordered and Signed**

**Feb 18, 2019**



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Ron Clark, Senior District Judge